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November 13, 2013

### VIA CM/ECF

Hon. David N. Hurd  
United States District Judge  
United States District Court  
Northern District of New York  
Alexander Pirnie Federal Building  
and U.S. Courthouse  
10 Broad Street  
Utica, New York 13501

**Re: Colozzi, et al. v. St. Joseph's Hospital Health Center, et al.  
Case No. 08-cv-1220 (DNH/ATB)**

Dear Judge Hurd:

Our office represents the Defendants in the above-referenced matter. Please accept this letter as a request on behalf of both the Defendants and Plaintiffs with respect to implementing the Court's Order dated November 1, 2013 (Dkt. No. 317) as well as the terms of the parties' Settlement Agreement.

Pursuant to paragraph 10 of the Settlement Agreement, the Defendants must provide the third-party administrator with wage and other data for the time period of November 13, 2002 through November 1, 2013, which is the date of the Court's Final Approval Order (Dkt. No. 317). Please be advised that the Defendants' payroll system operates in two-week intervals, and as such, the Defendants are unable to provide data beginning on the November 13th date in 2002 or ending on the November 1st date in 2013. Instead, the Defendants are able to provide the applicable class data for the pay period beginning November 10, 2002 and ending October 26, 2013. Plaintiffs' counsel has agreed to the Defendants' use of the November 10th beginning date and the October 26th ending date.

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Accordingly, the parties respectfully request approval for the Defendants to use the beginning date of November 10, 2002 and the ending date of October 26, 2013 for purposes of providing the applicable class data to the third-party administrator pursuant to Section 10 of the parties' Settlement Agreement.

Respectfully,

COSTELLO, COONEY & FEARON, PLLC

s/ Edward G. Melvin

Edward G. Melvin  
Bar Roll No. 509037

EGM/lja  
cc: All counsel of record (via CM/ECF)

SO ORDERED:

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David N. Hurd  
United States District Judge

Dated: